



**MCDOWELL SONORAN PRESERVE COMMISSION  
7506 E. INDIAN SCHOOL ROAD  
COMMUNITY DESIGN STUDIO - NAVE  
SCOTTSDALE, ARIZONA 85251  
THURSDAY, NOVEMBER 1, 2007**

**MEETING MINUTES**

**PRESENT:**

Art DeCabooter, Chairman  
Erik Filsinger, Vice-Chair  
Joan Fudala, Commissioner  
Melinda Gulick, Commissioner (arrived at 5:06 p.m.)  
Virginia Korte, Commissioner  
Gerry Miller, Commissioner  
Arnold Roy, Commissioner  
Tom Silverman, Commissioner  
Linda Whitehead, Commissioner  
Solange Whitehead, Commissioner (arrived at 5:06 p.m.)

**ABSENT:**

Rand Hubbell, Commissioner

**STAFF PRESENT:**

Bob Cafarella, Director  
Claire Miller, Preserve Manager  
Don Meserve, Preservation Planner  
Bruce Washburn, City Attorney's Office  
Sherry Scott, City Attorney's Office

**ALSO PRESENT:**

Carla, Citizen Conservation Advocate  
Ruthie Carll, MSC Managing Director  
Leonard Marcisz, Chairman, McDowell Sonoran Preserve  
Linda Raish, Community Development Director  
BJ Heggli, MSC  
Dan Gruber, MSC

**1. CALL TO ORDER AND INTRODUCTIONS**

Chairman DeCabooter called the meeting to order at 5:02 p.m.

A roll call and introductions indicated members and guests present as stated above.

2. **Approval of October 4, 2007 Meeting Minutes**

Carla proposed the following changes to the section on state land reform. In the first paragraph, fourth sentence, she asked that the word "since" be changed to "if." That in the fifth sentence, the phrase "said they could support," be changed to "are open to supporting." In the second paragraph, "process should ensure" be changed to "process would hopefully ensure." Additionally she asked that the second and third sentences switch places.

**COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE OCTOBER 4, 2007 MCDOWELL SONORAN PRESERVE COMMISSION MEETING AS AMENDED. COMMISSIONER KORTE SECONDED. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF EIGHT (8) TO ZERO (0).**

3. **Annual Ethics Training Presentation**

Mr. Washburn presented a DVD of the City mandated annual ethics training program. Following the presentation, he invited questions from the Commission.

In response to Chairman DeCabooter, Mr. Washburn read the State requirements for meeting minutes.

In response to an inquiry from Commissioner Miller, Mr. Washburn explained that the Commission could not respond to open call public comments, only to topics that are on the agenda. Commissioners are allowed a limited response to direct criticism made of them by a citizen, can ask staff to review a matter, or place a matter on a future agenda. They cannot discuss or take legal action on matters raised during an open call to the public.

4. **MSC Activities**

Ms. Carll reported that the McDowell Sonoran Month programs were a tremendous success. One hundred forty people attended five lectures. Over 500 people, half of whom were schoolchildren, attended twelve trailhead programs. The publication *It's Yours to Preserve*, a collaboration with Scottsdale Community College's Center for Urban and Native Wildlife, was distributed to 10,000 schoolchildren in the East Valley. Over 100 people volunteered to work on the Gateway project. September generated 1,310 hours of volunteer service, which is a new record.

Ms. Carll introduced Linda Raish who will lead the MSC's public relations, community development, and fundraising efforts.

5. **MSC Patrol Program Initiatives**

Mr. Heggli said the MSC has been working to step up patrol efforts in the Preserve, by recruiting more volunteers and making the existing volunteers more effective.

The City receives monthly reports on trail activity and trail maintenance issues. Reporting will soon be automated, allowing stewards to log in and enter their reports to a central database. A website will display trails that have been patrolled within the past week.

In response to an inquiry from Commissioner Linda Whitehead, Mr. Heggli said efforts are being made to determine how to best watch for illegal Preserve activity and report it, through Ms. Miller, to the Police Department.

Mr. Cafarella said patrol volunteers have become a key asset to the Preserve as more trails are added to the system.

6. **Strategies for Creating Private Donations to City to Support the Preserve Land Acquisition Program**

Commissioner Linda Whitehead said soliciting private donations was a funding mechanism included in the list of recommendations to the City Council by the McDowell Mountain Task Force in September of 1993. Since an additional full task force to explore this possibility would require unavailable staff resources, she volunteered to study the feasibility of a major gift fundraising program, and make a report to the Commission.

In response to an inquiry from Commissioner Gulick, Commissioner Linda Whitehead said the MSPC could funnel concerns and questions through Mr. Cafarella, who would assimilate them and use them to provide her with direction. Mr. Cafarella added that any important discussions would be covered during the monthly meetings of the MSPC. He also clarified that the program would be focused on big donations for land acquisitions, such as people interested in leaving a legacy. It is not meant to be competitive with the Conservancy's efforts.

Vice-Chair Filsinger said his instinct would be to keep things simple and have it unfold within the existing organizational structure. He felt it would appropriately fall under the purview of the Planning Committee. Commissioner Linda Whitehead said she would welcome the idea, and is mainly interested in seeing the project move forward expeditiously.

Commissioner Miller said a task force would be simpler than having a formal committee review it.

Commissioner Solange Whitehead agreed that the simplest proposition would be to use a task force of one. It would also help keep the entire MSPC more involved.

Commissioner Korte said the process would benefit from the dialogue that is generated in the formal task force structure.

Commissioner Linda Whitehead indicated she would pursue the concept in whatever organizational structure the Commission is most comfortable with. The Commission agreed to move forward on an ad hoc basis with a task force of one, and decide in six months whether to formalize it.

7. **Planning Committee Work on Preserve Operations**

Commissioner Linda Whitehead presented a report from the Planning Committee on Preserve operations. The role of the Planning Committee is to assist in implementing and developing plans for acquisition of lands within the McDowell Mountains and the northern Sonoran Desert, and to assist in developing and implementing plans for the management, preservation and appropriate public use of the McDowell Sonoran Preserve. The composition of the Committee ensures that input is gathered from diverse interest groups.

In the coming months the Planning Committee will focus on northern access areas, trails and connectivity, identifying and protecting cultural resources, large group user policies, and land trust reform issues.

She said the Committee's biggest success so far has been the increased involvement of the Scottsdale Police Department. There has been a dramatic reduction in the number of abuses within the Preserve.

8. **Promotion Committee Activities Including a Report on the Mayor's Breakfast and Getting the Word Out about the Preserve**

Commissioner Solange Whitehead reported that the Mayor's Breakfast was well attended. She said the Trust for Public Lands would become an important new resource for the Promotions Committee. Mr. Cafarella added that the Mayor was very happy with the program.

9. **Preserve Director's Report**

Mr. Cafarella reported that the Scottsdale vs. Toll Brothers trial was continued again. The Judge had a conflict with the November 17 trial date. The new date is set for the second week of January. The Judge has so far firmly held the position that the trial be frozen, and has allowed no correspondence.

Phoenix petitioned the State to auction off a piece of API-designated land. The parcel contains some buildable land, and no rezoning is planned. Phoenix's funding for preserve land acquisition will expire. They were unsuccessful in establishing a program like Scottsdale has, and therefore their situation is different.

Mr. Cafarella said the contract for the Desert Discovery Center consultant is on the City Council's November 6 consent agenda.

Many users of Lost Dog Wash have inquired about the green building strategies being used there. A simple panel is being prepared to explain each of the elements as an educational tool.

The architect for the gateway project initially wanted to use steel but now plans to use rammed earth to be more consistent with the Preserve's image.

Mr. Meserve reported that the State Names Board would have a hearing on November 14 to decide on the current batch of proposed Preserve names. Once the central area names have been approved, the process will begin for the northern area names.

10. **Preserve Manager's Report**

Ms. Claire Miller, Preserve Manager, said she attended the Arizona State Committee on Trails Conference in Prescott.

All of the Preserve projects continue to go well. Work continues on the rough draft of the Weed Removal Manual. She announced that Commissioner Miller received a Weed Manager of the Year award.

Hopefully there will be a contract in 2008 for professional trail builders to establish trail connections on the northern part of Tom's Thumb trail.

11. **Future Executive Session for McDowell Sonoran Preserve Commission**

**COMMISSIONER GULICK MOVED TO HOLD AN EXECUTIVE SESSION ON DECEMBER 6, 2007, TO DISCUSS AND CONSULT WITH ROBERT CAFARELLA, THE COMMISSION'S DESIGNATED REPRESENTATIVE, TO CONSIDER THE COMMISSION'S POSITION AND INSTRUCT ITS REPRESENTATIVE WITH RESPECT TO THE PURCHASE, SALE OR LEASE FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE OF REAL PROPERTY LOCATED WITHIN THE RECOMMENDED STUDY BOUNDARY FOR THE MCDOWELL SONORAN PRESERVE INCLUDING PROPERTY CALLED THE GATEWAY LOCATED AT THE NORTHEAST CORNER OF BELL ROAD AND THOMPSON PEAK PARKWAY, AND STATE TRUST LAND BOTH RECLASSIFIED STATE TRUST LAND AND UN-RECLASSIFIED STATE TRUST LAND. ARS 38-431.03 (A) (3) and (A) (7). COMMISSIONER SILVERMAN SECONDED. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF TEN (10) TO ZERO (0).**

12. **Commissioner Comments and Public Comments**

Chairman DeCabooter shared the Arizona Preserve Initiative status report, and briefly discussed his attendance at the Arizona Town Hall meeting at the Grand Canyon. The topic of the meeting was land use.

Carla said the Governor is moving forward with her state land draft, and it will soon be made available to the public. Unless the bill is a consensus referral to the ballot in 2008, nothing will happen until 2010. Under the terms of the bill, Scottsdale would be able to sign a purchase agreement for API re-classified land without having to go to auction, and will have up to 25 years to pay for it. The sticking point will be the non-API land within the voter-approved boundary. Discussions are being held to determine whether a tool could be added to the draft to deal with the issue. One outstanding issue is whether maps would be included or not.

The Planning Committee would like to present something to the MSPC in December. The Governor would like to get consensus among all key legislators before session starts. Carla urged the Commission to let the Governor move forward with her process, and said they could provide feedback to Senator Allen when she returns to address the Committee in December or January.

Commissioner Linda Whitehead said the City has been holding public meetings on the Transportation Master Plan. One topic that came up was transit service from south Scottsdale to the McDowell Sonoran Preserve. She noted that such a service is already provided and discussed options for spreading the word about it.

13. **Agenda Items for Future Meetings**

None.

14. **Adjournment**

With no further business to discuss, the meeting adjourned at 6:55 pm.

Respectfully submitted,  
A/V Tronics, Inc.